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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,870	11/20/2000	Eric Engstrom	112076-138351	2255
25943	7590	09/08/2005	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,870

Applicant(s)

ENGSTROM ET AL.

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 08/11/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.
2. Claims 1-5, 7-15, and 17-30 are pending.

Claim Objections

3. It appears that the words "metaphorc" and "morphed" in line 10 of claim 21 are typos. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5, 7-15, and 17-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first surface" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-5 and 7-10 depend on claim 1, therefore, claims 2-5 and 7-10 are rejected on the same rationale applied to claim 1.

Regarding claim 5, the term "and/or" in line 4 renders the claim indefinite since the scope of the claim is not defined.

Claim 11 recites the limitation "the first surface" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 12-15 and 17-20 depend on claim 11, therefore, claims 12-15 and 17-20 are rejected on the same rationale applied to claim 11.

Claim 21 recites the limitation "the first and second surfaces" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claims 22-24 depend on claim 21, therefore, claims 22-24 are rejected on the same rationale applied to claim 21.

Claim 25 recites the limitation "the first surface" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 26-27 depend on claim 25, therefore, claims 26-27 are rejected on the same rationale applied to claim 25.

Claim 28 recites the limitation "the first surface" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 29-30 depend on claim 28, therefore, claims 29-30 are rejected on the same rationale applied to claim 28.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5, 11, 13-15, 21-24, 25, 27-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (USP 5,880,733) and Nason (USP 6590592).

Regarding claims 1, 11, 21, 25, and 28, Horvitz teaches rendering on a display of an apparatus, a metaphoric desktop having a front surface and a back surface opposite to the front surface (front plane 38 is opposite to the back plane 44); rendering first execution results of first one or more applications on a front surface (front plane) (see the front plane 38 and the back plane 44 in Fig. 3), the front surface being a current visible surface of the metaphoric desktop resulting in the first execution results being visible (Fig. 3 shows that front plane 38 is a current visible face of the desktop), rendering second execution results of second one or more applications on the back surface of the metaphoric desktop (see the back plane 44 in Fig. 3) (also see lines 45-59 of col. 10), morphing the current visible surface of the metaphoric desktop from the front surface to the back surface of the metaphoric desktop to make visible the second execution results (see the transformation caused by the push back button 64; col 3, lines 61-65). Horvitz does not teach that the back surface being currently visible which causes the second execution results invisible and morphing the invisible back surface to the visible front surface to make the back surface visible. However, such feature is known in the art as taught by Nason. Nason teaches a parallel interface desktop for desktop which comprises toggling between visible and invisible state of an interface (col 5, lines 37-46). It would have been obvious to one of ordinary skill in the art, having the teaching of Horvitz and Nason before him at the time the invention was made to include

toggle between visible and invisible state of an interface taught by Nason in Horvitz's desktop with the motivation being to enable desktop to switch between states of the interface.

Regarding claims 3, 13, 22, 27, and 30, Horvitz teaches the transition (morphing) from the front surface to the back surface as the front plane is transformed (morphed) to the back plane in response to detection of an event (event of selecting push back button 64) (see col. 12, lines 31-50, also see figure 13, col. 19, lines 32-61).

Regarding claims 4, 14 and 23, Horvitz further teaches that planes can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

Regarding claims 5, 15 and 24, Horvitz further teaches that plurality of the planes (plurality of portion of metaphoric desktop) can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

7. Claims 2, 12, 26, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, Nason, and Boneh et al (hereinafter "Boneh", USP 6760750).

Regarding claims 2, 12, 26, 29, Horvitz differs from the claim in that Horvitz neither teaches that second application is on-line application nor teaches monitoring the apparatus for being connected on-line. However, such feature is known in the art as taught by Boneh. Boneh teaches a system for updating a web page with rapidly changing information (col 3, lines 31-32). Boneh teaches that the system includes an invisible pane and a visible pane wherein the visible pane is updated with the status of the on-line application (col 4, lines 5-16). It would have been obvious to one of ordinary skill in the art, having the teaching of Horvitz and Boneh before him at the time the

invention was made to include a web-browser as a windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, Nason, and Taylor et al (hereinafter "Taylor", USP 6552733).

Regarding claims 7 and 17, Horvitz teaches storing pictorial representation of said first execution results of the first one or more applications into a standard display screen buffer by a graphic service (col 11, lines 43-46). Horvitz differs from the claim in that Horvitz does not explicitly specify that the display of the execution result of the second applications comprises redirecting the graphics service to store pictorial representations of the results of the first application to an alternate display buffer and to store pictorial representations of the results of the second application to the current display buffer. However, the feature of multiple position buffers is known in the art as taught by Taylor. Taylor teaches a system for morphing which includes multiple position buffers which are associated with morphing operations (col 9, lines 13-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply multiple position buffers taught by Taylor to Horvitz's system to redirect the results of the first application to an alternate display buffer and to store pictorial representations of the results of the second application in the current display buffer with the motivation being to enable the system to properly display the result of the second application and not the first application.

9. Claims 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, Nason, Taylor, and Boneh.

Regarding claims 8 and 18, Horvitz and Taylor differ from the claim in that Horvitz and Taylor do not teach second application is on-line application nor teaches monitoring the apparatus for being connected on-line. However, such feature is known in the art as taught by Boneh. Boneh teaches a system for updating a web page with rapidly changing information (col 3, lines 31-32). Boneh teaches that the system includes an invisible pane and a visible pane wherein the visible pane is updated with the status of the on-line application (col 4, lines 5-16). It would have been obvious to one of ordinary skill in the art, having the teaching of Horvitz, Taylor, Boneh before him at the time the invention was made to include a web-browser as a windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

Regarding claims 9-10 and 19-20, when the user select the first application again for display, the system of Horvitz would then resume storing the pictorial representations of the results of the first application in the current or standard display buffer.

Response to Argument

10. Applicant's arguments filed 08/11/05 have been fully considered but they are not persuasive.

In response to Applicant's argument that Horvitz's "front" and "back" surfaces are not opposite each other, it is noted that such is not quite the case since they are two opposite planes as seen in Fig. 3.

Applicant's argues that Horvitz's "front" and "back" surfaces are visible at all times. This argument is now moot under new ground of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

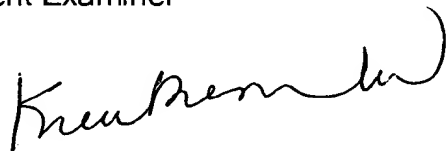
571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu
Patent Examiner

A handwritten signature in black ink, appearing to read "Kieu D. Vu", with a stylized flourish at the end.